

ORDINANCE NO. 2001 - 042

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENT: 01-1 RURAL FLUA REVISIONS, CENTRAL COUNTY, MODIFYING PAGES 39, 40, 46, 47, 49, 52, 53, AND 60 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 3,862 ACRES OF LAND, FOR 10 SUBDIVISIONS, LOCATED IN THE CENTRAL WESTERN COMMUNITIES, FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10), TO RURAL RESIDENTIAL, 1 UNIT PER 5 ACRES (RR-5); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23 and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2001 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated June 29, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 27, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendments to the Land Use Element's Future Land Use Atlas are hereby adopted and attached to this Ordinance:

A. Future Land Use Atlas page 39 is amended as follows:

Application No.: 01-39 RR 2 (Canal Pine Acres)
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10), to Rural Residential, 1 unit per 5 acres (RR-5);
General Location: Central Western Palm Beach County;
Size: Approximately 200 acres;

B. Future Land Use Atlas page 40 is amended as follows:

Application No.: 01-40 RR 1 (Tall Pines)
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10), to Rural Residential, 1 unit per 5 acres (RR-5);
General Location: Central Western Palm Beach County;
Size: Approximately 134 acres;

C. Future Land Use Atlas page 40 is amended as follows:

Application No.: 01-40 RR 2 (Waite's Subdivision)
Amendment: From Rural Residential, 1 unit per 10 acres

1 (RR-10), to Rural Residential, 1 unit per 5
2 acres (RR-5);
3 General Location: Central Western Palm Beach County;
4 Size: Approximately 70 acres;
5 D. Future Land Use Atlas page 46 is amended as follows:
6 Application No.: 01-46 RR 2 (Mandell)
7 Amendment: From Rural Residential, 1 unit per 10 acres
8 (RR-10), to Rural Residential, 1 unit per 5
9 acres (RR-5);
10 General Location: Central Western Palm Beach County;
11 Size: Approximately 331 acres;
12 E. Future Land Use Atlas pages 46 and 47 are amended as
13 follows:
14 Application No.: 01-46, 47 RR 1 (Deer Run Plat 2)
15 Amendment: From Rural Residential, 1 unit per 10 acres
16 (RR-10), to Rural Residential, 1 unit per 5
17 acres (RR-5);
18 General Location: Central Western Palm Beach County;
19 Size: Approximately 286 acres;
20 F. Future Land Use Atlas page 49 is amended as follows:
21 Application No.: 01-49 RR 1 (Las Flores Ranchos)
22 Amendment: From Rural Residential, 1 unit per 10 acres
23 (RR-10), to Rural Residential, 1 unit per 5
24 acres (RR-5);
25 General Location: Central Western Palm Beach County;
26 Size: Approximately 187 acres;
27 G. Future Land Use Atlas page 49 is amended as follows:
28 Application No.: 01-49 RR 2 (Delwood)
29 Amendment: From Rural Residential 10, 1 unit per 10
30 acres (RR-10), to Rural Residential 5, 1
31 unit per 5 acres (RR-5);
32 General Location: Central Western Palm Beach County;
33 Size: Approximately 139 acres;
34 H. Future Land Use Atlas pages 52 and 53 are amended as
35 follows:
36 Application No.: 01-52, 53 RR 1 (Deer Run)

1 Amendment: From Rural Residential, 1 unit per 10 acres
2 (RR-10), to Rural Residential, 1 unit per 5
3 acres (RR-5);

4 General Location: Central Western Palm Beach County;

5 Size: Approximately 1,249 acres;

6 I. Future Land Use Atlas pages 53 and 60 are amended as
7 follows:

8 Application No.: 01-53, 60 RR 1 (Fox Trails)

9 Amendment: From Rural Residential, 1 unit per 10 acres
10 (RR-10), to Rural Residential, 1 unit per 5
11 acres (RR-5);

12 General Location: Central Western Palm Beach County;

13 Size: Approximately 1,080 acres;

14 J. Future Land Use Atlas page 60 is amended as follows:

15 Application No.: 01-60 RR 1 (Entrada Acres)

16 Amendment: From Rural Residential, 1 unit per 10 acres
17 (RR-10), to Rural Residential, 1 unit per 5
18 acres (RR-5);

19 General Location: Central Western Palm Beach County;

20 Size: Approximately 185 acres;

21
22 Part II. Repeal of Laws in Conflict

23 All local laws and ordinances applying to the unincorporated area
24 of Palm Beach County in conflict with any provision of this ordinance
25 are hereby repealed to the extent of such conflict.

26 Part III. Severability

27 If any section, paragraph, sentence, clause, phrase, or word of
28 this Ordinance is for any reason held by the Court to be
29 unconstitutional, inoperative or void, such holding shall not affect
30 the remainder of this Ordinance.

31 Part IV. Inclusion in the 1989 Comprehensive Plan

32 The provision of this Ordinance shall become and be made a part
33 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
34 Ordinance may be renumbered or relettered to accomplish such, and the
35 word "ordinance" may be changed to "section," "article," or any other
36 appropriate word.

1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184, Florida Statutes, whichever occurs
6 earlier. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If the Administration Commission issues a final
9 order of noncompliance, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolutions shall be sent to the Department of
12 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
13 Boulevard, Tallahassee, Florida 32399-2100.

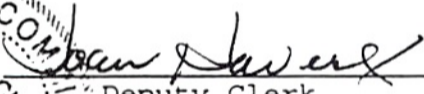
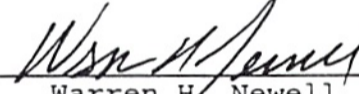
14 APPROVED AND ADOPTED by the Board of County Commissioners of
15 Palm Beach County, on the 27 day of August, 2001.

16 ATTEST:

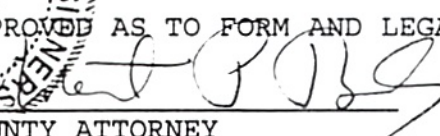
17 DOROTHY H. WILKEN, Clerk

18 PALM BEACH COUNTY, FLORIDA,

19 BY ITS BOARD OF COUNTY COMMISSIONERS

20  By 
21 Deputy Clerk Warren H. Newell, Chairman

22 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

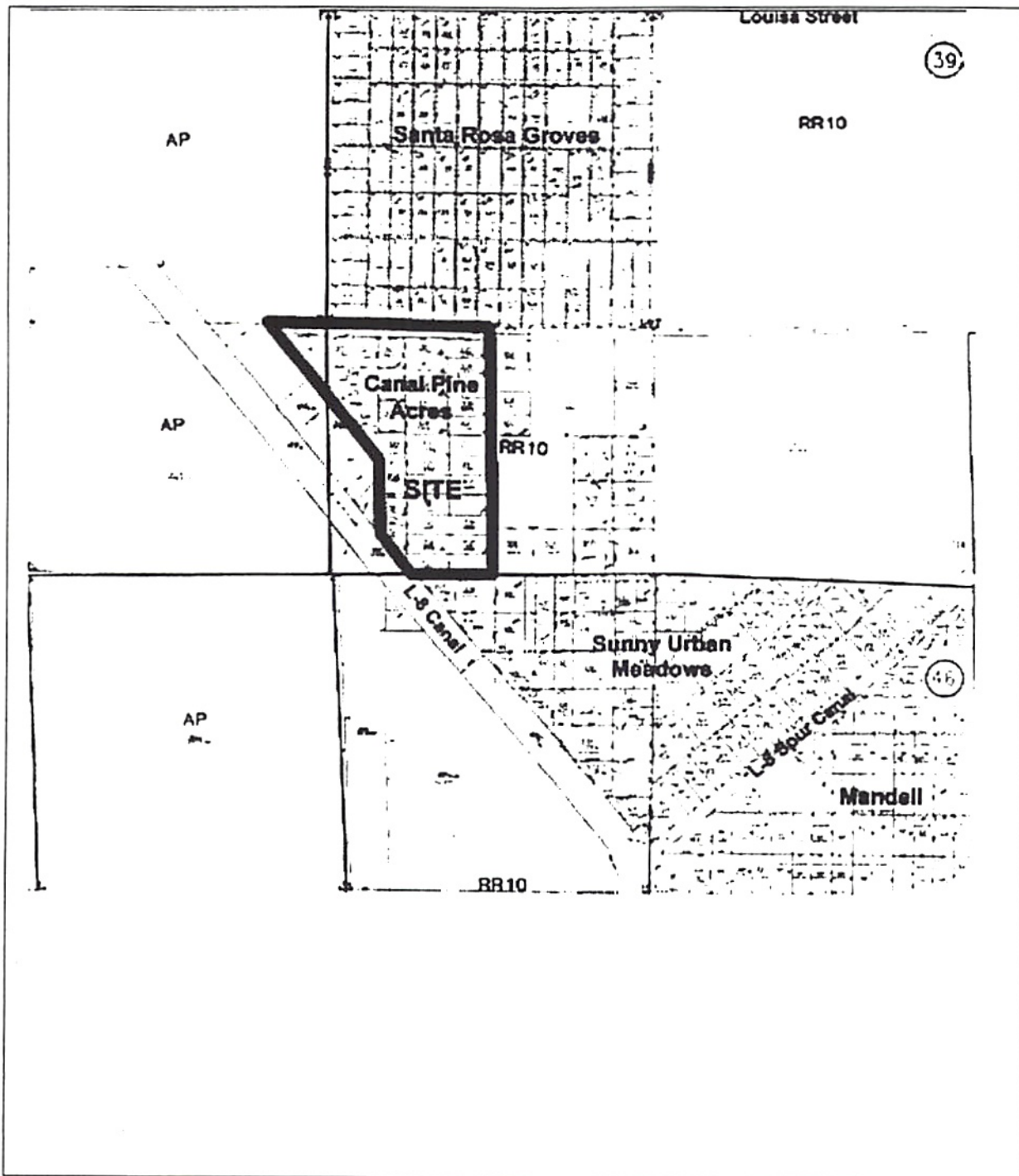
23 
24 COUNTY ATTORNEY

25 Filed with the Department of State on the 6th day
26 of September, 2001

EXHIBIT 1

A. Future Land Use Atlas page 39 is amended as follows:

Amendment No.: 01-39 RR 2 (Canal Pine Acres)
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10) to Rural Residential, 1 unit per 5 acres (RR-5)
Location: Central Western Palm Beach County
Size: Approximately 200 acres
Legal Description: The W ½ of Sec 5 and sec 6, Twp 43S, Rge 40E, lying N and E of the L-8 canal RoW, less that portion of Sec 5 and 6 conveyed to FPL Co.
Conditions: None



B. Future Land Use Atlas page 40 is amended as follows:

Amendment No.: 01-40 RR 1 (Tall Pines)

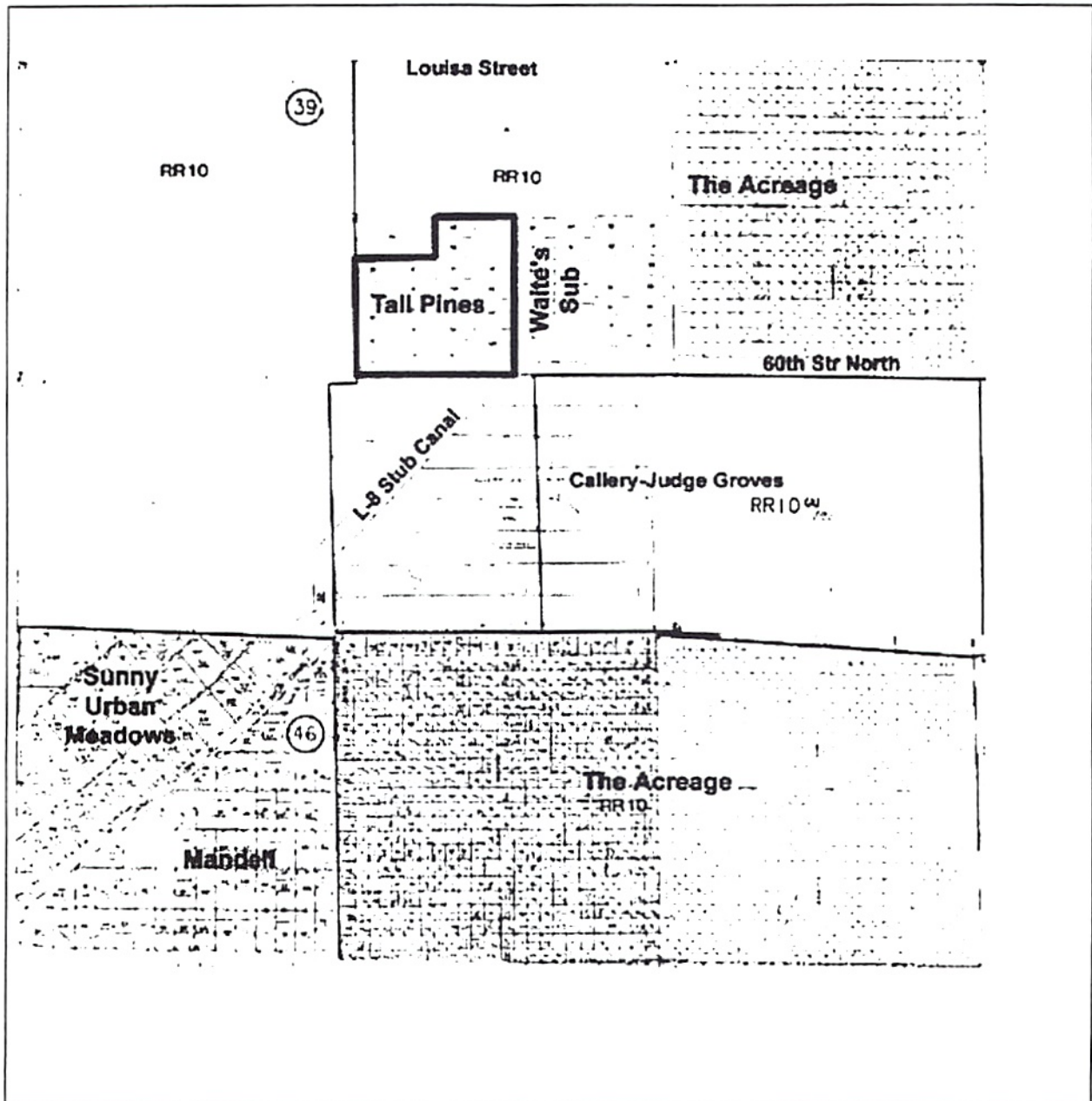
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10)
to Rural Residential, 1 unit per 5 acres (RR-5)

Location: Central Western Palm Beach County

Size: Approximately 134 acres

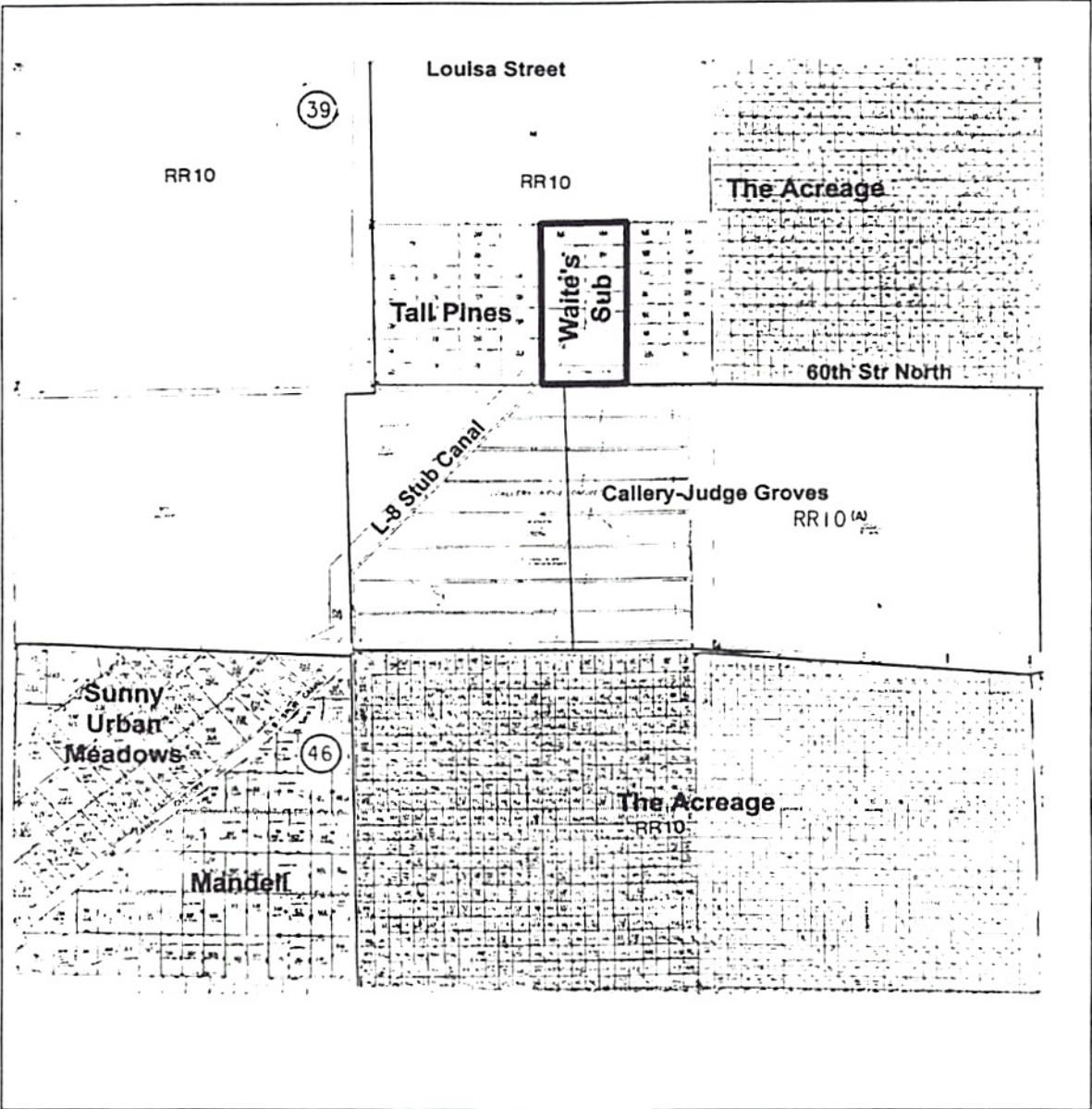
Legal Description: The SW $\frac{1}{4}$ of Sec34, Twp 42S, Rge 40E, less the N 671.11 ft of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$.

Conditions: None



C. Future Land Use Atlas page 40 is amended as follows:

Amendment No.: 01-40 RR 2 (Waite's Subdivision)
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10) to Rural Residential, 1 unit per 5 acres (RR-5)
Location: Central Western Palm Beach County
Size: Approximately 70 acres
Legal Description: The N 1250 ft of the S 1580 ft of the W ½ of the SE ¼ of Sec 34, Twp42S, Rge 40E.
Conditions: None



E. Future Land Use Atlas pages 46 and 47 are amended as follows:

Amendment No.: 01-46, 47 RR 1 (Deer Run Plat 2)

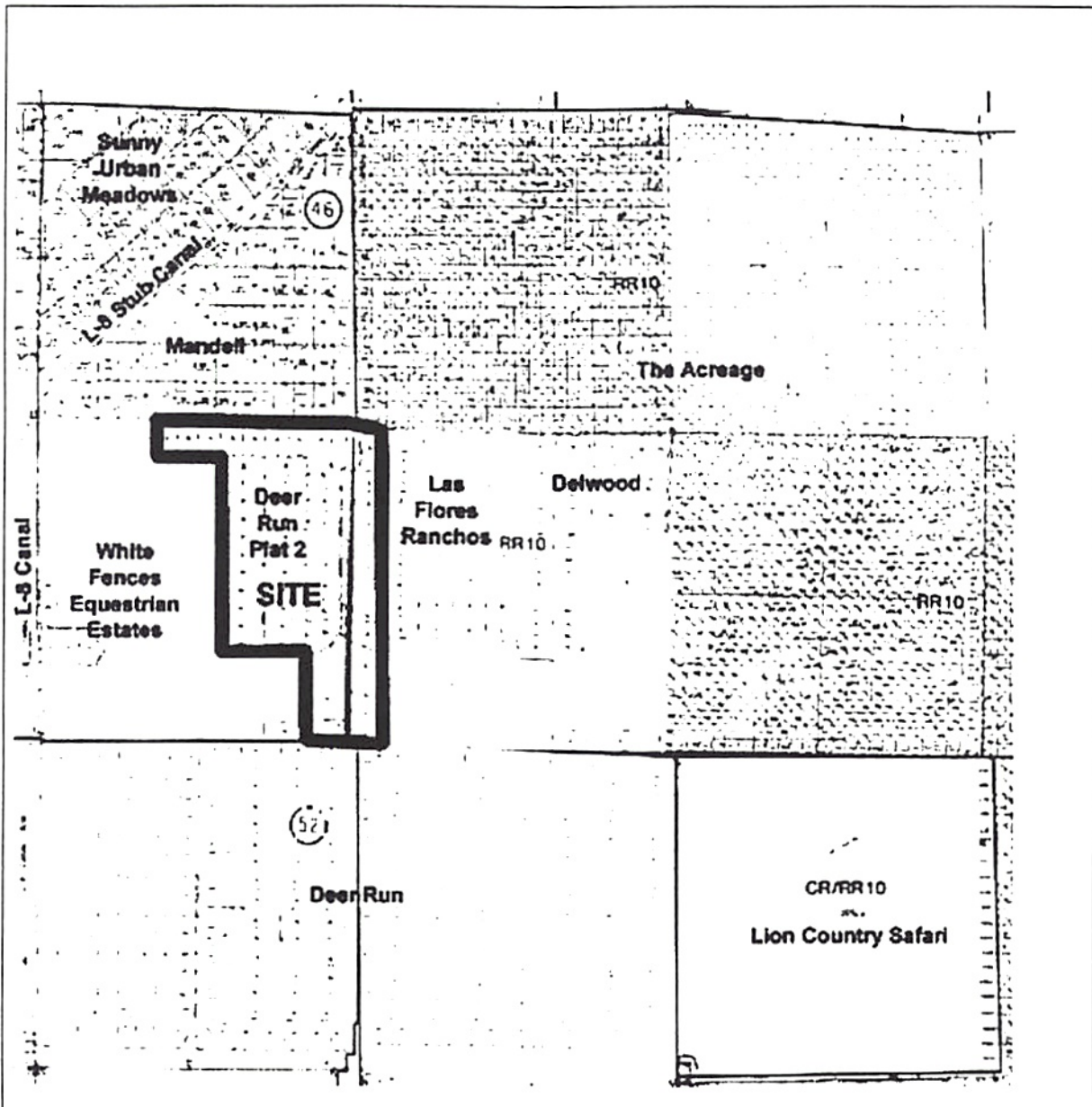
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10)
to Rural Residential, 1 unit per 5 acres (RR-5)

Location: Central Western Palm Beach County

Size: Approximately 286 acres

Legal Description: Beginning at the SE corner of Section 16, Twp 43 S, Rge 40 E; thence bear N 89°22'25"W along the S line of sec 16 5096.71 ft to the SW corner of said sec 16; thence N 89°41'5"W along the S line of sec 17 64.59 ft to the E RoW line of the L-8 canal; thence N 1°1'21"E along the RoW line 5533.36 ft to the N line of said sec 17; thence N 89°36'27" E along the N line 0.67 ft to the NW corner of said sec 16; thence S 87°10'8"E along the N line of sec 16 5306.7 ft to the NW corner of sec 15; thence S88°8'29"E along the N line of sec 15 464.78 ft; thence S1°34'9"W 5340.11 ft to the S line of sec 15; thence N87°15'7"W along said S line 557.58 ft to the SE corner of said sec 16 and the PoB.; and not including the following described area: Beginning at the SW corner of sec 16, Twp 43 S, Rge 40 E; thence S 89°25'40" E along the S line of sec 16 4454.23 ft; thence N 1°30'54" E 1500.41 ft; thence N 88°28'38"W 1454.55 ft; thence N 1°30'0" 3299.84 ft; thence N 88°29'46"W 1473.71 ft; thence N 1°30'54"E 582.97 ft to the N line of sec 16; thence N 87°44'47"W along said N line 1642.07 ft to the NW corner of said sec 16 and the NE corner of sec 17; thence N89°51'59"W along the N line of sec 17 0.67 ft to the east RoW of Canal L-8; thence S 0°57'19"W along E RoW 5479.27 ft to the S line of sec 17; thence S89°44'20" along said S line 64.59 ft to the PoB.

Conditions: None



F. Future Land Use Atlas page 49 is amended as follows:

Amendment No.: 01-49 RR 1 (Las Flores Ranchos)

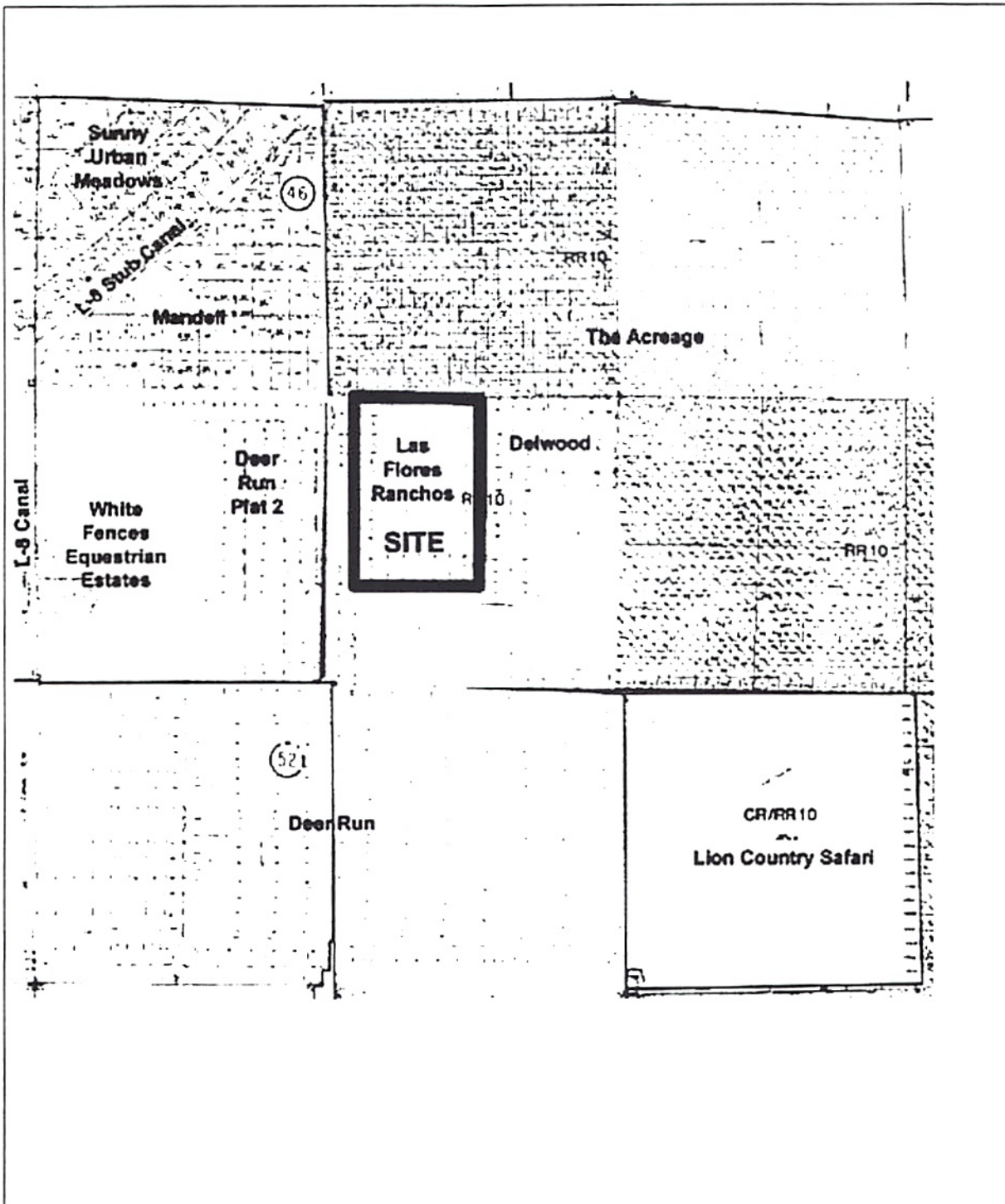
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10)
to Rural Residential, 1 unit per 5 acres (RR-5)

Location: Central Western Palm Beach County

Size: Approximately 187 acres

Legal Description: Commencing at the NE corner of sec 15, Twp 43S, Rge 40E, run S89°4'30"W along the N line of said sec 2443.21 ft; thence run S 60.01 ft to the PoB. From the PoB continue S 3519.92 ft; thence run N89°57'5"W 2311.85 ft; thence run N1°14'9"W 3480.26 ft to a point 60' S of the N line of sec 15; thence run N89°4'30"E 2387.24 ft to the PoB.

Conditions: None



G. Future Land Use Atlas page 49 is amended as follows:

Amendment No.: 01-49 RR 2 (Delwood)

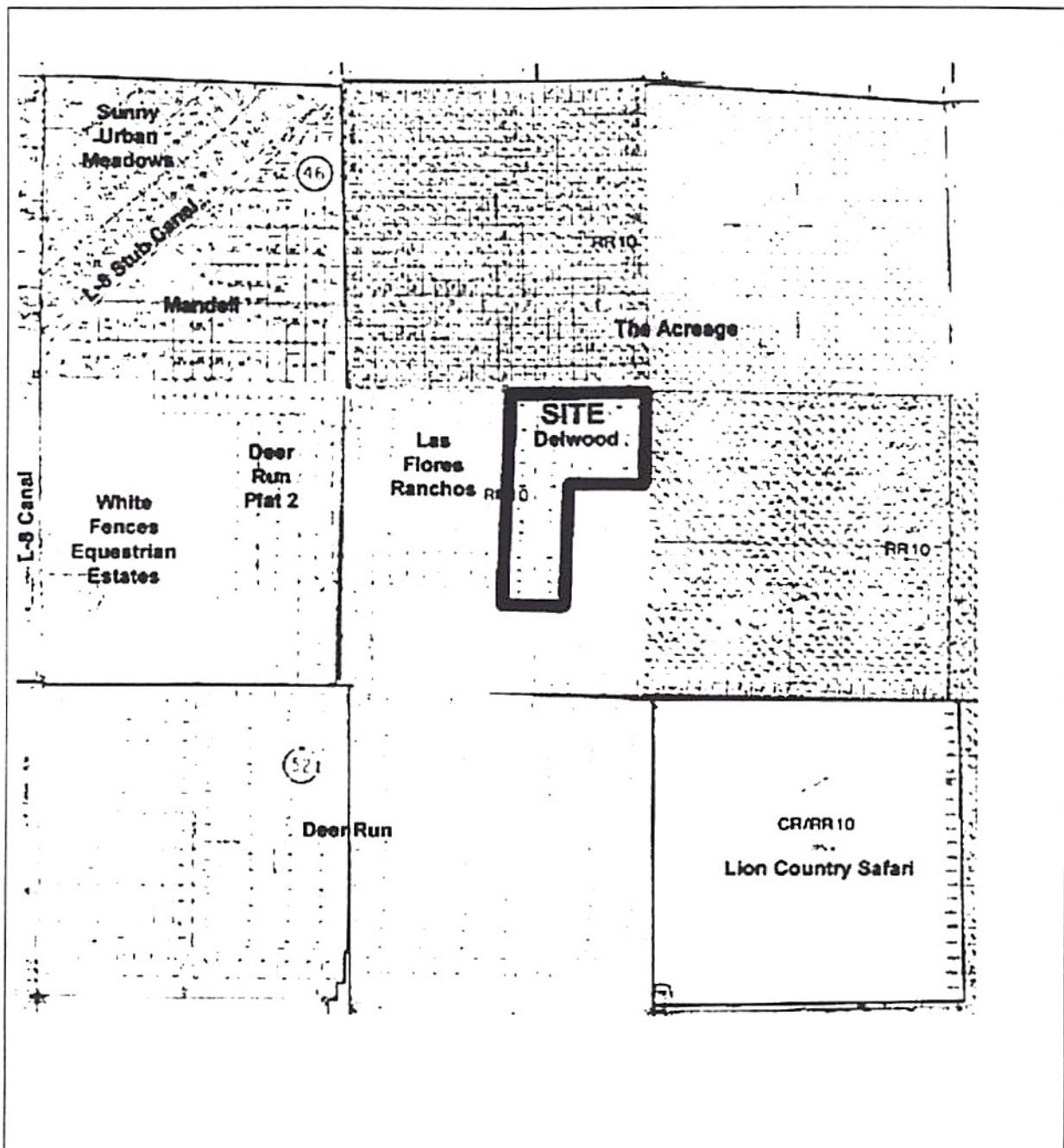
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10)
to Rural Residential, 1 unit per 5 acres (RR-5)

Location: Central Western Palm Beach County

Size: Approximately 139 acres

Legal Description: Eastern portion - Commencing at the NE corner of Sec 15, Twp 43S, Rge 40E, PBC Fl, run south along the east line of said section 60.01 ft to the point of beginning (PoB). From the PoB continue south along the east line of said section 1635.3 feet, thence westerly S 89° 4' 30" W parallel to the north line of said sec 15, 1283.2 ft; thence run north parallel to the east line 1635.3 ft, thence run N 89° 4' 30" E parallel to and 60 ft south of the north line of said sec 15, 1283.2 ft to the PoB. Less the east 30' for a drainage easement.

Conditions: None



H. Future Land Use Atlas pages 52 and 53 are amended as follows:

Amendment No.: 01-52, 53 RR 1 (Deer Run)

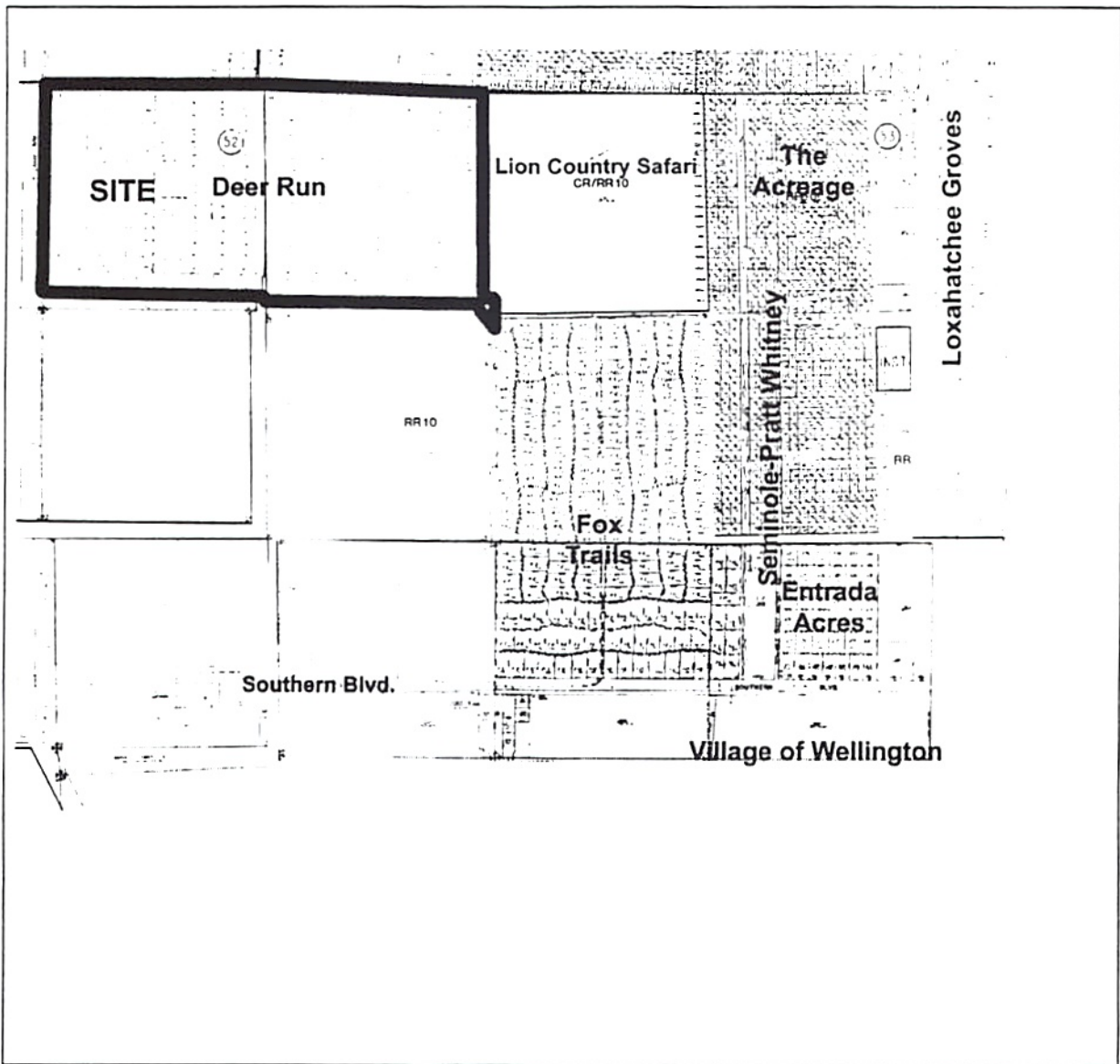
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10) to Rural Residential, 1 unit per 5 acres (RR-5)

Location: Central Western Palm Beach County

Size: Approximately 1,249 acres

Legal Description: Beginning at the NE corner of Sec 22, Twp 43 S, Rge 40 E; thence bear S 0° 11' 2"W, along the E line of said sec 22, 5023.42 ft; thence S 89° 4' 5" E, along the N line of the S 460 ft of sec 23, 290.01 ft to the E line of the W 290 ft of sec 23; thence S 0° 11' 2" W along said line, 360.03 ft to the N line of the S 100 ft of said sec 23; thence S 89° 4' 5" E along said line, 2345.16 ft to the W line of Lion Country Safari Rd; thence S 0° 56' 48" W along said west line, 100 ft to the S line of said sec 23; thence N 89° 4' 5" W along said line, 2413.59 ft; thence, S 0° 58' 44" W, 219.99 ft; thence N 44° 4' 39" W, 311.16 ft to the SE corner of said sec 22; thence continue N 44° 4' 39" W, 509.12 ft to the N line of the S 360 ft of said sec 22; thence N 89° 4' 39" W along said line, 4878.01 ft to the east line of sec 21; thence N 0° 19' 18" W along said line, 0.15 ft to the N line of the S 360 ft of sec 21; thence N 88° 14' 7" W along said line 5241.23 ft to the W line of sec 21; thence N 1° 14' 39" E along said line 5187.93 ft to the NW corner of sec 21; thence S 89° 22' 25" E along the N line of sec 21, 5096.71 ft to the NW corner of sec 22; thence S 87° 15' 7" E along the N line of sec 22, 5284.92 ft to the PoB.

Conditions: None



I. Future Land Use Atlas pages 53 and 60 are amended as follows:

Amendment No.: 01-53, 60 RR 1 (Fox Trails)

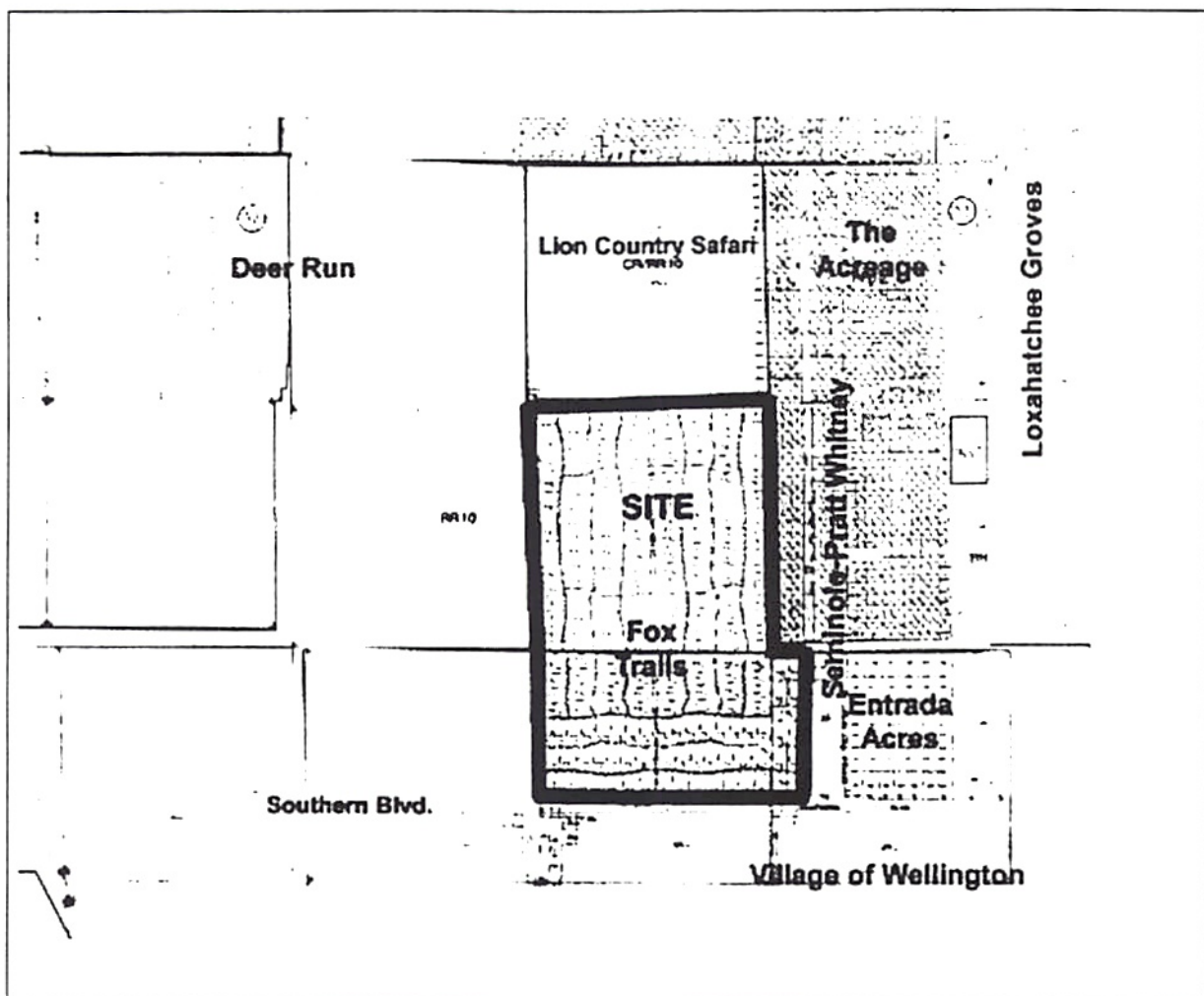
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10)
to Rural Residential, 1 unit per 5 acres (RR-5)

Location: Central Western Palm Beach County

Size: Approximately 1,080 acres

Legal Description: All Sec 26, Twp 43 S, Rge 40 E, less the following parcel: beginning at the SW corner of said sec 26; thence N 00° 39' 2" E, along the W line of said sec 26, 5351.36 ft to the NW corner of said sec 26; thence S 89° 4' 5" E along the N line of said sec 26, 220.24 ft; thence S 0° 58' 44" W, 3455.08 ft; thence N 88° 26' 8" W, 189.79 ft; thence S 0° 58' 22" W, 1898.31 ft to the SW corner of said sec 26 and the PoB. Together with all that part of Sec 35 lying N of the N RoW of SR80, less the following parcel: From the intersection of the E line of the W ½ of said sec 35 with the N line of SR 80 bear N 88° 31' 51" W along said N RoW 40 ft to the PoB. From the PoB run N 88° 31' 51" W along N RoW 85 ft; thence N 1° 2' 59" E, parallel with the E line of the W ½ of said sec 35, 107.8 ft; thence S 88° 31' 51" E, parallel with the N RoW of SR80, 85 ft; thence S 1° 2' 59" W, parallel with E line of the W ½ of sec 35, 107.8 ft to the PoB. Together with a parcel of land lying in sec 36 described as follows: Beginning at the intersection of the W line of said sec 36 with the N RoW line of said SR80; thence S 88° 32' 6" E along said RoW, 712.23 ft to the W line of that certain 200 ft drainage easement as described abnd recorded in official record book 1354, page 55 of the public records of Palm Beach County, FL; thence N 1° 27' 10" E along the W line of said recorded easement, 3427.61 ft to the N line of said sec 36; thence N 88° 46' 31" W along said N line 733.04 ft to the NW corner of said sec 36; thence S 1° 6' 17" W along the W line of said sec 36 3424.61 ft to the PoB.

Conditions: None



J. Future Land Use Atlas page 60 is amended as follows:

Amendment No.: 01-60 RR 1 (Entrada Acres)

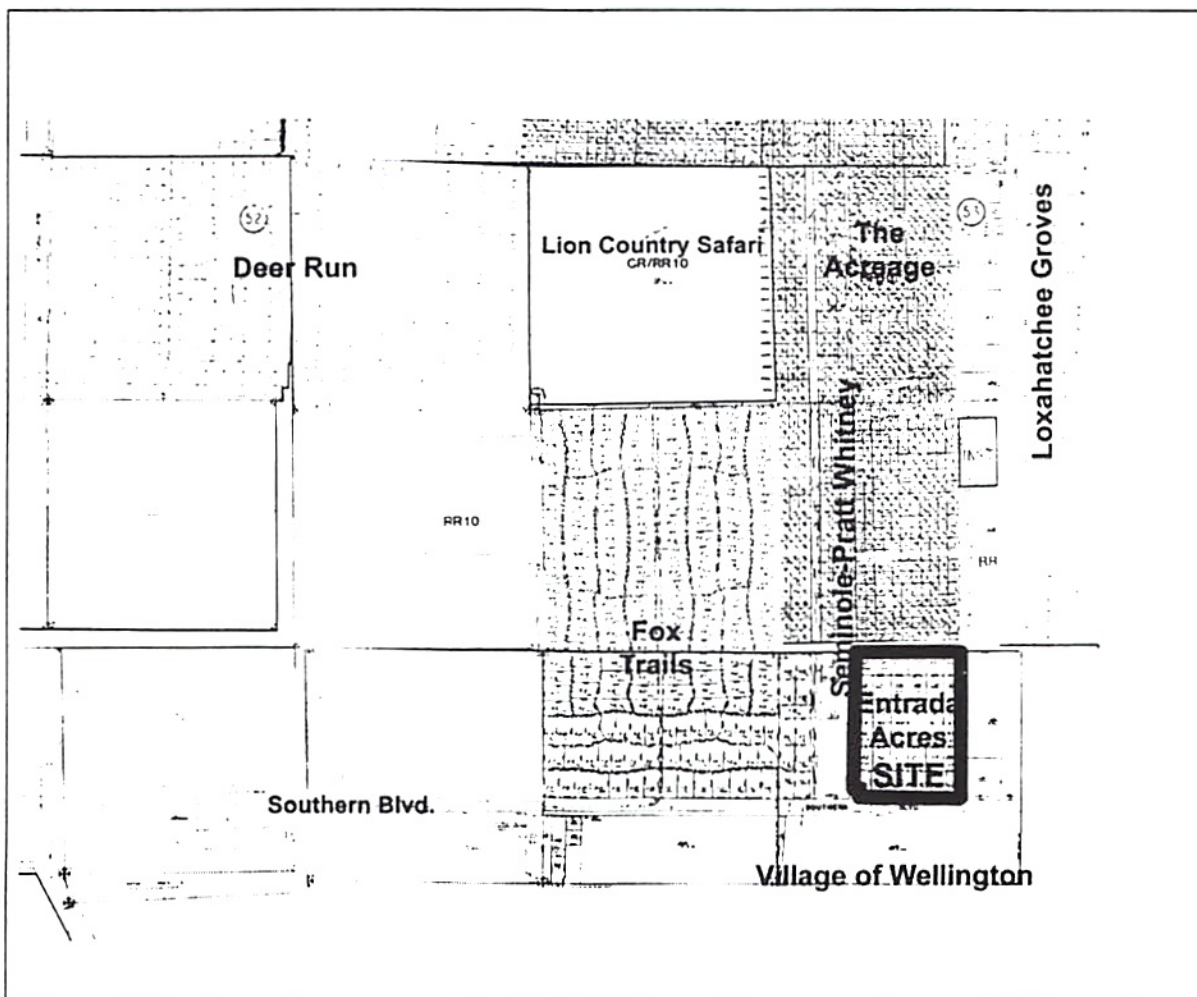
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10)
to Rural Residential, 1 unit per 5 acres (RR-5)

Location: Central Western Palm Beach County

Size: Approximately 185 acres

Legal Description: Commencing at the NE corner of sec 36, Twp 43, Rge 40E; thence N 89°13'44"W along the N line of said sec 36 1370.7 ft to the PoB; thence S1°19'59"W 3458.08' to the N RoW line of SR80; thence N88°26'31"W along said N RoW 2413.51 ft to the E RoW line of Seminole Pratt Whitney Rd; thence N1°36'0"E along said E RoW line 88.5 ft; thence N 88°31'10E 145 ft; thence N1°36'0"E, parallel with said E RoW line 200 ft; thence S88°31'10"W 145 ft to said E RoW line; thence N1°36'0"E along said E RoW line 3144.78 ft to the aforementioned N line of said sec 36; thence S88°46'25"E along said N line 1026.86 ft to the N ¼ corner of said sec 36; thence S 89°13'44"E along said N line of sec 36 1370.7 ft to the PoB.

Conditions: None



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 27, 2001
DATED at West Palm Beach, FL on 9/20/01
DOROTHY H. WILKEN, Clerk
By: Nancy Brown D.C.